

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Representation of Sri A.V.Prasada Rao, Police Constable 115, West Godavari District-
“RTSP by three stages for three years with cumulative effect – Reviewed – Rejected – Orders -
Issued

HOME (SER.II) DEPARTMENT

G.O.Rt.No. 2050

Dated:29-11-2010

Read the following:

1. From the orders of the Hon’ble APAT dated: 16-9-2010 in OA.No.2235/2007
2. From Sri A.V.Prasada Rao, Police Constable 115, West Godavari District,
representation dated: 11-10-2010
3. From the DGP, AP, Hyderabad, Lr.Rc.No.3829/Appeal-3/2010, dated:10-11-2010
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Order:

Sri A.V.Prasada Rao, Police Constable 115, West Godavari District, was dealt with an
OE for the following charges:

“Misbehaviour with a Lorry owner while on traffic duty at Railway Goods shed Road,
Eluru on the night of 26/27.5.1990”.

2. The Superintendent of Police, West Godavari District, has held the charges as proved and imposed the penalty of “Reduction in time scale of pay by three stages for three years with effect on future increments and pension”, on the applicant by treating the suspension period from 8.6.1990 to 27.11.1990 as L.W.P., vide proceedings No.40/PR/90, dated: 24-1-1996. His appeal petition was considered and rejected by the appellate authority i.e DIG, Eluru Range, Eluru in Procs No.36/Appeal/1996, dated: 19-9-1997. His revision petition was considered and rejected by the Addl DGP (Admn), Hyderabad, in his procs No. 2090/T2/1996, dated: 4-2-1999.

3. The applicant has approached the Government and the same was rejected by the Government vide Memo.No.23245/Pol.B/A2/2000-2, Home (Pol.B) Department, dated 14.09.2000. His subsequent petition to Government submitted on 20-9-2004 has been considered as per the orders of the Hon’ble Tribunal in O.A.No.1982 of 2004 and rejected by the Government vide Memo.No.26645/Legal.I/A1/2004, dated 07.06.2005 (which was issued as Memo.No.9050/Legal.I/A1/2005, dated 09.06.2005 due to typographical error), as there are no fresh grounds for consideration of the request of the applicant.

4. Aggrieved by the above, the applicant has filed an OA.No.2235/2007 to set aside the Memo.No.26645/Legal.I/A1/04, dated 07.06.05 (which was issued as Memo.No.9050/Legal.I/A1/05, dated 09.06.05 due to typographical error). The Hon’ble APAT has disposed the said OA., by passing the following orders:

“ So from the above said authority it is clear that the appellate authority and revisional authority though they passed orders of conformation they have to assign reason however brief they may be, to show that they have applied their mind.

Therefore the impugned order does not stand to legal scrutiny as there is no application of mind. Therefore the impugned order is liable to be set aside.

Therefore the OA is allowed and the first respondent is directed to pass orders on merits on the representation of the applicant already submitted assigning the reasons for rejection, however brief they may be . This order is to be complied within a period of 12 weeks from the date of receipt of a copy this order”

[Contd..2]

5. In view of the above orders of the Hon'ble Tribunal, Government have again examined the matter and observed that the applicant has already exhausted the channel of appeal as well as revision before he submitted representation to the Government in the year 2000. However, his petition was rejected by Government wrongly mentioning it as a revision petition vide Memo.No.23245/Pol.B/A2/2000-2, Home (Pol.B) Department, dated 14.09.2000. His subsequent petition was also considered and rejected vide Memo.No.26645/Legal.I/A1/2004, dated 07.06.2005 (which was issued as Memo.No.9050/Legal.I/A1/2005, dated 09.06.2005 due to typographical error). The Hon'ble Tribunal has set aside the same on the ground that no reasons were assigned in the said memo and directed to pass orders on merits.

6. In the above back ground, the matter has been examined. There is no provision for mercy petition under the APCS (CCA) Rules, 1991, and the applicant before approaching the Government in 1999-2000 itself, had exhausted the channels of appeal and revision prescribed in the APCS (CCA) Rules. Therefore, the applicant having exhausted the remedies available under the rules has no statutory right to claim that his further representation for which there is no statutory provision be considered. Therefore, Government hereby reject the request of the applicant to set aside the penalty of Reduction in time scale of pay by three stages for three years with cumulative effect.

7. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take further action in the matter accordingly. The records furnished in the reference 3rd cited are returned herewith, the receipt of which should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Director General of Police, Andhra Pradesh, Hyderabad, (with records)
Sri A.V.Prasada Rao, Police Constable 115, West Godavari District,
through DGP, AP, Hyderabad
Sc/Sf

//Forwarded:: By order//

SECTION OFFICER